

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 METROPOLITAN LIFE INSURANCE  
4 COMPANY,

5 Plaintiff

6 v.

7 HSIAO MEI CHI; ANNA HONDA A/K/A  
8 ANNA CHI; SANDRA MERRILL A/K/A  
9 SANDI MERRILL A/K/A SANDRA CHI  
10 A/K/A SANDI CHI; and TERRY CHI,

11 Defendants

Case No.: 2:18-cv-01778-APG-CWH

**Order Directing Entry of Clerk's Default**

[ECF No. 17]

11 Defendant Terry Chi filed a "Motion for Entry of Default Judgment for Failure to  
12 Appear" against defendants Anna Honda and Sandra Merrill. ECF No. 17. However, the  
13 proposed order attached to the motion is a form Default. ECF No. 17-1. A party cannot obtain a  
14 Default Judgment unless a Default has been first entered. Fed. R. Civ. P. 55. Thus, I will treat  
15 Chi's motion as one seeking entry of a clerk's default against Honda and Merrill.

16 Federal Rule of Civil Procedure 55(a) provides for the entry of default against a party  
17 who was properly served but failed to plead or otherwise defend the case. The rule does not  
18 specify who may seek entry of default. Therefore, nothing prohibits defendant Terry Chi from  
19 applying for entry of default against the other defendants.

20 Defendants Honda and Merrill were properly served with process. ECF Nos. 10, 13, 17.  
21 They have failed to file any pleadings or appearances in this case, and have not otherwise  
22 defended themselves in this case. The deadline for them to do so has expired. Thus, default  
23 should be entered against them. Fed. R. Civ. P. 55(a).

1 IT IS THEREFORE ORDERED that defendant Terry Chi's motion for entry of default  
2 judgment (**ECF No. 17**) is **GRANTED IN PART**. The clerk of the court shall enter the default  
3 of defendants Anna Honda a/k/a Anna Chi and Sandra Merrill a/k/a Sandi Merrill a/k/a Sandra  
4 Chi a/k/a Sandi Chi.

5 DATED this 19th day of December, 2018.

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9 ANDREW P. GORDON  
10 UNITED STATES DISTRICT JUDGE  
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